**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE J.B.KOSHY**
**&**
**THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN**

**MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929**

**MFA.No. 813 of 2000**
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**O.P(MV).NO.2054/1995 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, OTTAPALAM.**
**.....**

**APPELLANT/3RD RESPONDENT:**
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**THE NEW INDIA ASSURANCE COMPANY LTD.,**
**REPRESENTED BY ASST. MANAGER,**
**REGIONAL OFFICE,**
**M.G. ROAD, KOCHI-11.**

**BY ADV. SRI.P.R.RAMACHANDRA MENON.**

**RESPONDENTS/CLAIMANTS AND RESPONDENTS 1 & 2:**
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1. **AYISHA, W/O. MR. SAIDALAVI,**
   **AGED 42 YEARS, KANJIKUNDIL HOUSE,**
   **DESAMANGALAM.P.O., THRISSUR DIST.,**

2. **K. BALAKRISHNAN, S/O. KUPPAN NAIR,**
   **AGED 57 YEARS, KUTTANKULANGARA HOUSE,**
   **ATTOOR, THRISSUR DISTRICT.**

3. **SMT. USHAKUMARI, AGED ABOUT 40 YEARS,**
   **CHIRAKKAL HOUSE, PALLURUTHY,**
   **KOCHI-6.**

**BY ADV. SRI.N.UNNIKRISHNAN FOR R3.**

**THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 04/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**J.B. KOSHY and K.P.BALACHANDRAN, JJ.**

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**M.F.A. No. 813 of 2000**

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**Dated this the 4th day of June, 2007**

**Judgment**

**Koshy, J.**

The only contention raised in this case by the insurance company was that the cheque issued by the insured is dishonoured and, therefore, the company is not liable to pay the amount. In view of the Full Bench decision of this Court in 2005 (4) KLT 108 and ((2000)3 SCC 185), this appeal is dismissed. We are, however, fortified that the insurance company is not much aggrieved as the tribunal itself has granted right of recovery from the insured.

**J.B.KOSHY**
**JUDGE**

**K.P.BALACHANDRAN**
**JUDGE**

vaa

**J.B. KOSHY AND**
**K.P.BALACHANDRAN, JJ.**

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M.F.A.NO.813/200

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**JUDGMENT**

Dated:4th June, 2007